

West Virginia Department of Environmental Protection

Joe Manchin, III
Governor

Division of Air Quality

Stephanie R. Timmermeyer
Cabinet Secretary

Class II General Permit



for the
Prevention and Control of Air Pollution in regard to the Construction,
Modification, Relocation, Administrative Update and Operation of
Nonmetallic Minerals Processing Plants

General Permit Number G40-B
Effective Date: November 19, 2003

John A. Benedict, Director

Date Signed

General Permit Registration Number: **G40-BKEYBOARD(Permit No.)**
Registrant: **KEYBOARD(Company Name)**
Facility Name: **KEYBOARD(Facility Name)**
Registrant's Mailing Address: **KEYBOARD(Registrant Mailing Address)**

This Class II General Permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §22-5-1 et seq.) and 45CSR13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The registrant identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of the G40-B Class II General Permit.

This Class II General Permit Registration will supersede and replace **KEYBOARD(Permit No.)**.
Facility Location: **KEYBOARD(City), KEYBOARD(County Name) County, West Virginia**
Mailing Address: **KEYBOARD(Facility Mailing Address if different from Registrant Mailing**

Address)

Facility Information:

SIC Codes: **KEYBOARD(Primary; Secondary; Tertiary)**

Facility ID#: **KEYBOARD(ID#)**

Subject to NSPS - Subpart OOO: **KEYBOARD(Yes or No)**

Maximum Raw Material Design Capacity: **KEYBOARD(Maximum Hourly Production Rate) Tons/hr**

Maximum Raw Material Yearly Throughput: **KEYBOARD(Maximum Yearly Production Rate)**

Tons/yr

Potential to Emit (PTE): **KEYBOARD(Potential to Emit) Tons/yr** (Controlled PM Point Source

Emissions

UTM Coordinates: **KEYBOARD(km) Easting • KEYBOARD(km) Northing • Zone**

KEYBOARD(17 or 18)

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

Compliant registration under this Class II General Permit satisfies the permitting requirements of 45CSR13, 45CSR7, 45CSR16 and 45CSR17.

In accordance with the information filed in General Permit Registration Application G40-B(Permit #), the following transfer rates shall not be exceeded, and the following methods of control shall be installed, maintained, and operated so as to minimize particulate matter (PM) emissions:

Equipment ID No.	Description	Maximum Capacity		Control Equipment
		TPH	TPY x 10 ⁶	

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1.0. General Conditions

1.1. Purpose

The purpose of this Class II General Permit is to authorize the construction, modification, relocation, administrative update and operation of nonmetallic mineral processing plants through a General Permit registration process. The requirements, provisions, standards and conditions of this Class II General Permit address the prevention and control of particulate matter (PM) emissions from eligible nonmetallic mineral processing plants while ensuring compliance with existing air quality regulations.

1.2. Authority

This Class II General Permit is issued in accordance with West Virginia air pollution control law W.Va. Code §22-5-1. et seq. and the following Legislative Rules promulgated thereunder:

- 1.2.1. 45CSR13 - *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits and Procedures for Evaluation;*
- 1.2.2. 45CSR7 - *To Prevent and Control Particulate Air Pollution from Manufacturing Process and Associated Operations;*
- 1.2.3. 45CSR16 - *Standards of Performance for Stationary Sources.* 45CSR16 incorporates by reference 40 C.F.R. 60, Subpart OOO - *Standards of Performance for Nonmetallic Minerals Processing Plants; and*
- 1.2.4. 45CSR17 - *To Prevent and Control Particulate Air Pollution From Materials Handling, Preparation, Storage and Other Sources of Fugitive Particulate Matter.*

1.3. Eligibility

All nonmetallic mineral processing plants having a Standard Industrial Classification (SIC) code of 1422, 1423, 1429, 1442, 1446, 1481, or 1499 are eligible for Class II General Permit registration except for:

- 1.3.1. Any nonmetallic minerals processing plant with a raw material process design capacity (input) of more than 1,200 tons per hour or more than 8,760,000 tons per year (General Permit Throughput Eligibility Limit);
- 1.3.2. Any nonmetallic minerals processing plant which is a major source as defined in 45CSR14 or 45CSR30;
- 1.3.3. Any nonmetallic minerals processing plant, facility or equipment that is subject to the requirements of 45CSR2, 45CSR3, 45CSR5, 45CSR14 or 45CSR19;
- 1.3.4. Any nonmetallic mineral processing plant which will require an individual General Permit review process and/or individual General Permit provisions to address the emission of a regulated pollutant other than particulate matter or to incorporate regulatory requirements other than those established by 45CSR7, 45CSR13, 45CSR16, 45CSR17, and the New Source Performance Standards of 40 CFR 60, Subpart OOO;
- 1.3.5. Any nonmetallic mineral processing plant located in an underground mine;

- 1.3.6. Any nonmetallic minerals processing plant located in or which may significantly impact the area of Brooke County west of State Route 2, north of an extension of the southern boundary of Steubenville Township in Jefferson County, Ohio and south of the Market Street Bridge;
- 1.3.7. Any nonmetallic minerals processing plant located within the boundaries of or which may significantly impact the Weirton PM₁₀ nonattainment area; or
- 1.3.8. Any nonmetallic minerals processing plant located in or which may significantly impact an area, which has been determined to be a PM₁₀ maintenance or nonattainment area.

1.4. Term and Renewal

- 1.4.1. This Class II General Permit supercedes and replaces previously issued General Permit G40-A. This Class II General Permit registration shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13, 45CSR7 or any other applicable legislative rule;
- 1.4.2. General Permit registration granted by the Secretary shall remain valid, continuous and in effect unless it is suspended or revoked by the Secretary or this Class II General Permit is subject to action or change as set forth in Section 1.4.1. above; and
- 1.4.3. The Secretary shall review and may renew, reissue or revise this Class II General Permit for cause. The Secretary shall define the terms and conditions under which existing General Permit registrations will be eligible for registration under a renewed, reissued or revised General Permit and provide written notification to all General Permit registrants (or applicants). This notification shall also describe the registrant's (or applicant's) duty or required action and may include a request for any additional information that may be required by any proposed General Permit renewal, reissuance or revision. All General Permit Registrants covered under General Permit G40-A shall be covered under this Class II General Permit.

1.5. Duty to Comply

- 1.5.1. The registered facility shall be constructed and operated in accordance with the information filed in the Class II General Permit registration Application and any amendments thereto. The Secretary may suspend or revoke a registration if the plans and specifications upon which the approval was based are not adhered to;
- 1.5.2. The registrant must comply with all conditions of this Class II General Permit. Any General Permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 1.5.3. Violation of any of the conditions contained in this Class II General Permit, or incorporated herein by reference, may subject the registrant to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7; and
- 1.5.4. Registration under this Class II General Permit does not relieve the registrant herein of the responsibility to apply for and obtain all other permits, licenses, and/or approvals from other agencies; i.e., local, state, and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

1.6. Duty to Provide Information

The registrant shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking, or terminating the Class II General Permit registration or to determine compliance with the Class II General Permit registration. Upon request, the registrant shall also furnish to the Secretary copies of records required to be kept by the registrant. For information claimed to be confidential, the registrant shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the registrant shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

1.7. Duty to Supplement and Correct Information

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any registration application, the registrant shall promptly submit to the Secretary such supplemental facts or corrected information.

1.8. Registration Actions

1.8.1. The Class II General Permit registration may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the registrant for a registration modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any General Permit condition; and

1.8.2. The General Permit registration is transferable in accordance with the requirements of 45CSR13.

1.9. Administrative Registration Update

The registrant may request an administrative registration update as defined in and according to the procedures specified in 45CSR13.

1.10. Inspection and Entry

The registrant shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

1.10.1. At all reasonable times (including all times in which the facility is in operation) enter upon the registrant's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this Class II General Permit;

1.10.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Class II General Permit;

1.10.3. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution Control equipment), practices, or operations regulated or required under this Class II General Permit; and

1.10.4. Sample or monitor at reasonable times substances or parameters to determine compliance with the General Permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

1.11. Emergency

- 1.11.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the General Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- 1.11.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 1.11.3. below are met.
- 1.11.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1.11.3.a. An emergency occurred and that the registrant can identify the cause(s) of the emergency;
 - 1.11.3.b. The registered facility was at the time being properly operated;
 - 1.11.3.c. During the period of the emergency the registrant took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the General Permit; and
 - 1.11.3.d. The registrant submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
- 1.11.4. In any enforcement proceeding, the registrant seeking to establish the occurrence of an emergency has the burden of proof.
- 1.11.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

1.12. Need to Halt or Reduce Activity Not a Defense

- 1.12.1. It shall not be a defense for a registrant in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Class II General Permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.
- 1.12.2. In the event the registrant should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by the registration, the registrant shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

1.13. Property Rights

This Class II General Permit does not convey any property rights of any sort or any exclusive privilege.

1.14. Severability

The provisions of this Class II General Permit are severable. If any provision of this Class II General Permit, or the application of any provision of this Class II General Permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining Class II General Permit terms and conditions or their application to other circumstances shall remain in full force and effect.

1.15. Notification Requirements

1.15.1. The registrant shall notify the Secretary, in writing, within fifteen (15) calendar days of the commencement of the construction, modification, or relocation activities authorized under this registration.

1.15.2. The registrant shall notify the Secretary, in writing, at least fifteen (15) calendar days prior to actual startup of the operations authorized under this registration.

2.0. Specific Requirements

2.1. Siting Criteria

- 2.1.1. All persons submitting a Class II General Permit Registration Application to construct, modify or relocate a nonmetallic minerals processing plant shall be subject to the following siting criteria:

No person shall construct, locate or relocate any facility, affected facility or stockpile operation within three hundred (300) feet of any occupied dwelling or business, public building, school, church, community, institutional building or public park or within one hundred (100) feet of a cemetery. An owner of an occupied dwelling or business may elect to wave the above three hundred (300) foot siting criteria.

- 2.1.2. Any person proposing to construct, modify or relocate a Nonmetallic Minerals Processing plant within three hundred (300) feet of any occupied dwelling or business, public building, school, church, community, institutional building or public park may elect to obtain an individual permit pursuant to 45CSR13.

2.2. New Source Performance Standards

All eligible non-metallic minerals processing plants with an affected facility subject to New Source Performance Standards (NSPS) 45CSR16 & 40 CFR 60, Subpart OOO are considered area sources (or deferred Title V sources) subject to 45CSR30. Area sources are subject to the Certified Emission Statement requirements and related fees. Class II General Permit registration actions involving the construction or modification of an affected facility are subject to the additional NSPS General Permit Registration Fee and the Performance Tests, Methods, Procedures and Reports set forth in Section 2.4.2.

2.3. Limitations and Standards

2.3.1. Maximum Raw Material Throughput Limitation

The maximum throughput (tons per hour input) of raw material to be handled or processed by any registered nonmetallic minerals processing plant shall not exceed the Maximum Raw Material Throughput Limitation (average tons per hour input measured by the tons of raw material processed divided by the total hours of operation in a 24 hour calendar day) recorded with the registrant's Class II General Permit registration without effecting a modification.

2.3.2. Maximum Raw Material Yearly Throughput Limitation

The maximum yearly throughput of raw material handled or processed by any registered nonmetallic minerals processing plant shall not exceed the Maximum Raw Material Yearly Throughput (tons per year input) recorded with the registrant's Class II General Permit registration without effecting a modification.

2.3.3. Limitation for Particulate Matter

2.3.3.a. All Sources

- 2.3.3.a.i. The registrant shall not cause, allow or permit emission of particulate matter into the open air from any process source operation which is darker in shade or appearance than twenty (20) percent opacity (45CSR7);

- 2.3.3.a.ii. The provisions of Section 2.3.3.a.i. shall not apply to particulate matter emitted from any process source operation which is less than forty (40) percent opacity for any period or periods aggregating no more than five (5) minutes in any sixty (60) minute period (45CSR7);

- 2.3.3.a.iii. No person shall cause, suffer, allow, or permit emissions of particulate matter into the open air from any storage structure associated with any manufacturing process. (45CSR7);
- 2.3.3.a.iv. No person shall cause, suffer, allow, or permit particulate matter to be vented into the open air from any type source operation or duplicate source operation, or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity specified below (45CSR7); and

Process Weight Rate Tons Per Hour ¹	Maximum Allowable Emission Rate Pounds Per Hour ¹
25	31
50	33
100	37
150	40
200	43
250	47
300 and above	50

1. For a process weight between any two consecutive process weights stated in this table, the emission limitation shall be determined by linear interpolation.

- 2.3.3.a.v. No registrant shall circumvent the provisions of this rule by adding additional gas to any exhaust or group of exhausts for the purpose of reducing the stack gas concentration (45CSR7).
- 2.3.3.b. **Affected Facilities Subject to NSPS Subpart OOO (without capture system)**
- 2.3.3.b.i. No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity. (40 CFR 60.672(b)); and
- 2.3.3.b.ii. No owner or operator shall cause to be discharged into the atmosphere from any crusher, at which a capture system is not used, fugitive emissions which exhibit greater than 15 percent opacity. (40 CFR 60.672(c)).
- 2.3.3.c. **Affected Facilities Subject to NSPS Subpart OOO (with capture system)**
- 2.3.3.c.i. No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any stack emissions which:

- (1) Contain particulate matter in excess of 0.05 g/dscm (40 CFR 60.672(a)(1)); and
- (2) Exhibit greater than 7 percent opacity, unless the stack emissions are discharged from an affected facility using a wet scrubbing control device. Facilities using a wet scrubber must comply with the reporting provisions of 40 CFR 60.676, (c), (d), and (e) (40 CFR 60.672(a)(2)).

2.3.3.d. Monitoring of Operations for Wet Scrubbers

The owner or operator of any affected facility subject to the provisions of 40 CFR 60, SUBPART OOO, which uses a wet scrubber to control emissions shall install, calibrate, and maintain and operate the following monitoring devices (40 CFR 60.674):

- 2.3.3.d.i. A device for the continuous measurement of the pressure loss of the gas stream through the scrubber. The monitoring device must be certified by the manufacturer to be accurate within ± 250 pascals ± 1 inch water gauge pressure and must be calibrated on an annual basis in accordance with manufacturer's instructions (40 CFR 60.674(a)); and
- 2.3.3.d.ii. A device for the continuous measurement of the scrubbing liquid flow rate to the wet scrubber. The monitoring device must be certified by the manufacturer to be accurate within ± 5 percent of design scrubbing liquid flow rate and must be calibrated on an annual basis in accordance with manufacturer's instructions (40 CFR 60.674(b)).

2.3.3.e. Prohibition of Fugitive Emissions from Wet Screening Operations

No owner or operator subject to the provisions of 40 CFR 60, SUBPART OOO, shall cause to be discharged into the atmosphere any visible emissions from:

- 2.3.3.e.i. Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to the next crusher, grinding mill or storage bin (40 CFR 60.672(h)(1)); or
- 2.3.3.e.ii. Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, where such screening operations, bucket elevators, and belt conveyors process saturated materials up to the first crusher, grinding mill, or storage bin in the production line (40 CFR 60.672(h)(2)).

2.3.3.f. Sources Subject to 45CSR17

The purpose of 45CSR17 is to prevent and control particulate air pollution from materials handling, preparation, storage, and sources of fugitive particulate matter and shall apply to the County of Kanawha; and the Magisterial Districts of Valley (Fayette County), Scott and Pocatalico (Putnam County), Tygart (Wood County), the City of Fairmont and those portions of Union and Winfield Magisterial Districts west of Interstate I-79 (Marion County).

- 2.3.3.f.i. No person shall cause suffer, allow, or permit the discharge of particulate matter from any materials handling and/or preparation activity in excess of ten percent (10 %) opacity averaged over a six (6) minute period;
- 2.3.3.f.ii. No person shall cause, suffer, allow or permit the sustained discharge of particulate matter into the open air in such a manner as to be visible from any inactive storage pile; and
- 2.3.3.f.iii. Control measures that should be utilized in the storage of materials include, but are not limited to, the use of wetting and surface bonding agents, partial or total enclosures or draping of material on storage piles, or storage of materials in silos or bins with air pollution control equipment installed to prevent particulate emissions that are displaced by air during loading and/or unloading operations.

2.3.4. Minimization of Fugitive Emissions, Methods and Required Systems

- 2.3.4.a. The registrant shall not cause, suffer, allow or permit any manufacturing process generating fugitive particulate matter to operate that is not equipped with an effective fugitive dust control system(s). Such system(s) shall be operated and maintained in such a manner as to effectively minimize the emission of particulate matter into the open air;
- 2.3.4.b. The registrant shall maintain fugitive dust control of the premises and owned, leased or controlled haulroads and access roads by paving, utilization of a water truck and/or other suitable measures. Good operating methods, practices and general maintenance shall be observed in relation to stockpiling, truck, railcar or barge loading, coal grinding, breaking and screening to effectively minimize the emission of particulate matter;
- 2.3.4.c. To maintain effective fugitive dust control of the premises and minimize the emission of particulate matter, fugitive dust generation and atmospheric entrainment of particulate matter, the registrant shall properly install, operate and maintain a fugitive dust control system(s) designed in accordance with good engineering practices and observe and employ good operating methods, practices and general maintenance. Such fugitive dust control system(s) shall be installed, equipped and operated according to the emissions control equipment and fugitive dust control system design data proposed in the submitted Registration Application;
- 2.3.4.d. Emissions control equipment and fugitive dust control system design data proposed and submitted in a Registration Application shall follow and adhere to the following requirements for fugitive dust control systems, methods, practices and general maintenance. These control system requirements represent the minimum level of controls required of General Permit registrants.
 - 2.3.4.d.i. Fugitive Dust Control of Premises: The registrant shall adequately maintain and operate on-site: (1) a water truck, or (2) a fixed system of water sprays, or (3) a combination of a water truck and a fixed system of water sprays to minimize the emission of particulate matter generated from access roads, haulroads, stockpiles and work areas. Any fixed water spray system shall be no less effective than a water truck in minimizing fugitive particulate emissions from the area under control. The water truck and/or fixed water spray system shall be operated at all times when fugitive particulate emissions from access roads, haulroads,

stockpiles and work areas are generated as a result of vehicular traffic, operational activity or wind. All water trucks and fixed water sprays shall be equipped with a pump and spraybars to apply water or a mixture of water and an environmentally acceptable dust control additive (solution) to access roads, haulroads, stockpiles and work areas where mobile equipment is used. Spraybars shall be equipped with commercially available spray nozzles of sufficient size and number so as to provide adequate coverage to the area being treated. The pump and piping system used to deliver the water or solution shall be of sufficient size and capacity to deliver an adequate quantity of water or solution to the spray nozzles at a sufficient pressure to provide an effective spray;

- 2.3.4.d.ii. Haulroad Maintenance: All haulroads, access roads, stockpile and work areas shall be kept clean and in good condition by replacing base material and/or grading as required;
- 2.3.4.d.iii. Vehicular Tracking: If tracking of solids by vehicular traffic from access and/or haulroads onto any public road or highway occurs and generates or has the potential to generate fugitive particulate emissions, the registrant shall properly operate and maintain an underbody truck wash, rumble strips or employ other suitable measures to maintain fugitive dust control of the premises and minimize the emission of particulate matter;
- 2.3.4.d.iv. Transfer Points: All transfer points shall at least be partially enclosed so as to minimize the emission of particulate matter;
- 2.3.4.d.v. Crusher and Breakers: All crushers and rotary breakers shall be either: (1) fully enclosed; or (2) partially enclosed and fitted with effective water sprays to minimize the emission of particulate matter. Water sprays are not required to operate when the moisture content of processed material is adequate to ensure minimization of fugitive particulate emissions;
- 2.3.4.d.vi. Screens: All screens shall be either: (1) fully enclosed; or (2) partially enclosed and fitted with effective water sprays to minimize the emission of particulate matter. Water sprays are not required to operate when the moisture content of processed material is adequate to ensure minimization of fugitive particulate emissions;
- 2.3.4.d.vii. Load-outs: All railcar, barge and truck load-outs shall be equipped with a device and/or employ a specific operating method which minimizes drop height during loadout in order to minimize the emission of particulate matter;
- 2.3.4.d.viii. Stockpile Loading: All loading of stockpiles shall be accomplished with a device and/or employ a specific operating method which minimizes drop height during load-in; and

2.3.4.d.ix. **Dump Bins:** All dump bins which are fed by conveyor, endloader, truck or other transport device shall be fitted with effective water sprays. Water sprays are not required to operate when the moisture content of processed material is adequate to ensure minimization of fugitive particulate emissions;

2.3.4.e. The registrant shall properly install, operate and maintain designed winterization systems for all water trucks and/or water sprays in a manner that all such fugitive dust control systems remain effective and functional, to the maximum extent practicable, during winter months and cold weather. At all times, including periods of cold weather, the registrant shall comply with the requirements, provisions, standards and conditions of this Class II General Permit, any other permit or applicable statutory or regulatory requirement.

2.3.5. Maintenance of Air Pollution Control Equipment

All air pollution control equipment, water trucks, winterizing systems, baghouses or fugitive dust control systems shall be maintained regularly in accordance with recommendations of the manufacturer. If no such recommendations are available, such equipment shall be properly maintained to ensure effective and proper operation of the equipment and/or systems.

2.3.6. Odor

2.3.6.a. No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public; and

2.3.6.b. For the purposes of 45CSR4, the registrant shall maintain a record of all odor complaints received. Such record shall contain an assessment of the validity of the complaints as well as any corrective actions taken.

2.3.7. Open Burning

The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR6.

2.3.8. Open Burning Exemptions

The exemptions listed in 45CSR6 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.

2.3.9. Asbestos

The registrant is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The registrant must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the registrant is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). A copy of this notice is required to be sent to the USEPA, the Division of Water Waste Management and the Bureau for Public Health - Environmental Health.

2.3.10. Permanent Shutdown

A Nonmetallic Minerals Processing plant which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless

such source can provide to the Secretary, with reasonable specificity, information to the contrary. Any permit or General Permit registration may be modified or revoked and/or reapplication or application for new permits or General Permit registrations may be required for any source determined to be permanently shutdown.

2.4. Testing Requirements

At the time a registered Nonmetallic Minerals Processing plant is alleged to be in compliance with an applicable emission standard and at reasonable times to be determined by the Secretary thereafter, appropriate tests consisting of visual determinations or conventional in-stack measurements or such other tests as the Secretary may specify shall be conducted to determine such compliance. The registrant may also be required by the Secretary to collect, report and maintain additional data on the operation and compliance of any registered Nonmetallic Minerals Processing plant.

2.4.1. Stack Testing

At such reasonable times as the Secretary may designate, the owner or operator of a Nonmetallic Minerals Processing plant may be required to conduct or have conducted stack tests to determine the dust loading in exhaust gases and mass emission rates of particulate matter. All tests to determine compliance with exhaust gas dust concentrations and particulate matter mass emission rates shall be conducted in accordance with Methods 1-5 of 40 CFR Part 60, Appendix A provided that all compliance tests must consist of not less than three (3) test runs, test run duration shall not be less than sixty (60) minutes, and not less than thirty (30) standard cubic feet of exhaust gas must be sampled during each test run. Should the Secretary exercise his option to conduct such tests, the operator will provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment such as scaffolding, railings, ladders, etc., to comply with generally accepted good safety practices.

- 2.4.1.a. The Secretary may approve or specify additional testing or alternative testing to the test methods specified above for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable;
- 2.4.1.b. The Secretary may approve or specify additional testing or alternative testing to the test methods specified above for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 2.4.1.a. above; and
- 2.4.1.c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this Class II General Permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the registrant shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

2.4.2. Performance Tests, Methods, Procedures and Reports

Any Class II General Permit registration action involving the construction or modification of an affected facility subject to NSPS Subpart OOO shall be subject to the following performance tests, methods and procedures:

2.4.2.a. Within 60 days after achieving the maximum production rate at which an affected facility will be operated, but not later than 180 days after initial startup of such facility, the registrant shall conduct performance test(s) to determine compliance with opacity standards set forth in Section 2.3.3 and furnish a written report of the results of such test(s) to the Secretary (40 C.F.R. 60.8(a) & 40 C.F.R. 60.93(b)). In addition, at least 30 calendar days prior to the performance test, the registrant shall provide the Secretary with a written performance test protocol;

2.4.2.b. When conducting required performance tests or demonstrating compliance with opacity standards for affected facilities, the registrant shall use the procedures and test methods of Reference Method 9 in Appendix A of 40 C.F.R. 60. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (thirty (30) six (6)-minute averages) for the performance test or any other set of observations including sources of fugitive emissions (40 C.F.R. 60.11(b) and 40 C.F.R. 60.93(b)(2));

2.4.2.b.i. For Affected Facilities Subject to NSPS Subpart OOO (without capture system). In determining compliance with the particulate matter standards in 40 CFR 60.672 (b) and (c), the owner or operator shall use Method 9 and the procedures in 40 CFR 60.11, with the following additions:

- (1) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet);
- (2) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9, Section 2.1) must be followed; and
- (3) For affected facilities using wet dust suppression for particulate matter control, the spray sometimes generates a visible mist. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.

2.4.2.b.ii. For Affected Facilities Subject to NSPS Subpart OOO (with capture system) The owner or operator shall determine compliance with the particulate matter standards in 40 CFR 60.672(a) as follows:

- (1) Method 5 or Method 17 shall be used to determine the particulate matter concentration. The sample volume shall be at least 1.70 dscm (60 dscf). For Method 5, if the gas stream being sampled is at ambient temperature, the sampling probe and filter may be operated without heaters. If the gas stream is above ambient temperature, the sampling probe and filter may be operated

at a temperature high enough, but no higher than 121 degrees Celsius (250 degrees Fahrenheit), to prevent water condensation on the filter (40 CFR 60.675(b)(1)); and

- (2) Method 9 and the procedures in 40 CFR 60.11 shall be used to determine opacity (40 CFR 60.675(b)(2)).

2.4.2.c. When determining compliance with the fugitive emissions standard for any affected facility described under 40 CFR 60.672(b) of this subpart, the duration of the Method 9 observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:

- (1) There are no individual readings greater than 10 percent opacity; and
- (2) There are no more than three readings of 10 percent opacity for the 1-hour period.

2.4.2.d. When determining compliance with the fugitive emissions standard for any crusher at which a capture system is not used as described under 40 CFR 60.672(b) of this subpart, the duration of the Method 9 observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:

- (1) There are no individual readings greater than 15 percent opacity; and
- (2) There are no more than three readings of 15 percent opacity for the 1-hour period.

2.5. Recordkeeping Requirements

2.5.1. Records, Operation and Compliance

- 2.5.1.a. For the purpose of determining compliance with the Maximum Raw Material Throughput Limitation and Maximum Raw Material Yearly Throughput Limitation, a person designated by a Responsible Official or Authorized Representative shall maintain daily records of raw material throughput and hours of operation utilizing copies of Attachment A - Daily Raw Material Throughput and Hours of Operation attached to this document (or a similar form containing the same information);
- 2.5.1.b. Compliance with the Maximum Raw Material Yearly Throughput Limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the tonnage (input) of raw material handled or processed at any given time for the previous twelve (12) consecutive calendar months;
- 2.5.1.c. Daily records of the change in pressure of the gas stream across the scrubber and the scrubbing liquid flow rate shall be maintained for facilities operating a wet scrubber. (40 CFR 60.676(c))
- 2.5.1.d. Daily records shall be retained on-site by the registrant for at least five (5) years. Certified records, signed by a Responsible Official or Authorized Representative, shall be made available to the Secretary or a duly authorized representative upon request; and
- 2.5.1.e. The daily records required by this section may be kept on a similar form to Attachment A in electronic format. The document(s) shall be printed and certified by a Responsible Official or Authorized Representative upon request.

2.5.2. Monitoring Information

The registrant shall keep records of monitoring information that include the following:

- 2.5.2.a. The date, place as defined in this Class II General Permit and time of sampling or measurements;
- 2.5.2.b. The date(s) analyses were performed;
- 2.5.2.c. The company or entity that performed the analyses;
- 2.5.2.d. The analytical techniques or methods used;
- 2.5.2.e. The results of the analyses; and
- 2.5.2.f. The operating conditions existing at the time of sampling or measurement.

2.5.3. Record of Maintenance of Air Pollution Control Equipment

- 2.5.3.a. The registrant shall maintain maintenance records relating to failure and/or repair of air pollution control devices and fugitive dust control systems utilizing copies of Attachment B - Equipment Maintenance Record (or a similar form containing the same information). In the event of air pollution control equipment, fugitive dust control system or system failure, these records shall document the registrant's effort to maintain proper effective operation of such equipment and/or systems;
- 2.5.3.b. Air pollution control equipment maintenance records shall be retained on-site for a period of five (5) years. Certified records, signed by a Responsible Official or an Authorized Representative shall be made available to the Secretary or a duly authorized representative upon request; and
- 2.5.3.c. The maintenance records required by this section may be kept on a similar form to Attachment B in electronic format.

2.5.4. Retention of Records

The registrant shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the Class II General Permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.

2.6. Reporting Requirements

2.6.1. Compliance Testing

The owner of operator of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in 40 CFR 60.672, including reports of opacity observations made using Method 9 to demonstrate compliance with 40 CFR 60.676 (b), (c), and (d).

2.6.2. Wet Scrubber

After the initial performance test of a wet scrubber, the registrant shall submit semiannual reports to the Administrator of occurrences when the measurements of the scrubber pressure loss (or gain) and liquid flow rate differ by more than ± 30 percent from the averaged determined during the most recent performance test (40 CFR 60.676(d)).

2.6.3. Certification of Information

Any application form, report, or compliance certification required by this Class II General Permit to be submitted to the WVDEP and/or USEPA shall contain a certification by the responsible official or authorized representative that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

2.6.4. Confidential Information

A registrant may request confidential treatment for the submission of reporting required under 45CSR13 pursuant to the limitations and procedures of W.Va. Code §22-5-10 and 45CSR31.

2.6.5. Correspondence

All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of WVDEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DEP:

Director
WVDEP
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304

Phone: 304/926-0475
FAX: 304/926-0478

If to the US EPA:

Associate Director
Office of Enforcement and Permits Review
(3AP12)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

2.6.6. Certified Emissions Statement

The registrant shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the WVDEP - Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

2.6.6. Emissions Inventory

At such time(s) as the Secretary may designate, the registrant shall prepare and submit an emission inventory for the previous calendar year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the WVDEP - Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a submittal frequency other than on an annual basis.

ATTACHMENT A DAILY RAW MATERIAL THROUGHPUT AND HOURS OF OPERATION

Plant Name: _____
Registration No.: _____
Month _____ Year _____

Day	Raw Material Throughput (tons)	Hours of Operation	Initials
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
TOTAL			

Note: After entering the required information, each entry shall be initialed by a person designated by a Responsible Official.

Rolling Yearly Total Raw Material Throughput _____ **tons**
Rolling Yearly Total Hours of Operation _____ **hours**

The Certification of Data Accuracy statement on the reverse side of this form must be completed and signed by a Responsible Official or Authorized representative when submitted or upon request of the Secretary or an authorized representative. This record shall be maintained on-site for a period of five (5) years from the date of certification. It shall be made available to the Secretary or an authorized representative upon request.

CLASS II GENERAL PERMIT CERTIFICATION OF DATA ACCURACY

This Certification of Data Accuracy shall be signed below by a Responsible Official or an Authorized Representative. A Responsible Official is a President, Vice President Secretary, Treasurer, General Partner, General Manager, a member of a Board of Directors or Owner, depending on business structure. An Authorized Representative may be certified through an official agreement submitted with the Class II General Permit Registration Application. Any improperly signed or unsigned Certification of Data Accuracy shall constitute a violation of the terms and conditions of this Class II General Permit.

*I, the undersigned, hereby certify that all information contained in **ATTACHMENT A**, representing the period beginning _____ and ending _____ and any supporting documents appended hereto is true, accurate and complete based on information and belief after reasonable inquiry.*

Signature

(please use blue ink) _____
Responsible Official or Authorized Representative

Date

Name & Title

(please print or type)

Name

Title

Registrant's Name

Telephone #

Fax #

ATTACHMENT B

MAINTENANCE RECORD

Plant Name: _____

Registration No.: _____

Equipment Description: _____

[illegible]

The Certification of Data Accuracy statement on the reverse side of this form must be completed and signed by a Responsible Official or Authorized representative when submitted or upon request of the Secretary or an authorized representative. This record shall be maintained on-site for a period of five (5) years from the date of certification. It shall be made available to the Secretary or an authorized representative upon request.

CLASS II GENERAL PERMIT CERTIFICATION OF DATA ACCURACY

This Certification of Data Accuracy shall be signed below by a Responsible Official or an Authorized Representative. A Responsible Official is a President, Vice President Secretary, Treasurer, General Partner, General Manager, a member of a Board of Directors or Owner, depending on business structure. An Authorized Representative may be certified through an official agreement submitted with the Class II General Permit Registration Application. Any improperly signed or unsigned Certification of Data Accuracy shall constitute a violation of the terms and conditions of this Class II General Permit.

*I, the undersigned, hereby certify that all information contained in **ATTACHMENT B**, representing the period beginning _____ and ending _____ and any supporting documents appended hereto is true, accurate and complete based on information and belief after reasonable inquiry.*

Signature

(please use blue ink) Responsible Official or Authorized Representative _____

Date _____

Name & Title

(please print or type)

Name _____

Title _____

Registrant's Name _____

Telephone # _____

Fax # _____